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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,035	12/27/2001	Stephen D. Battaglini	PC-1053CIP	2118

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EXAMINER

CANGIALOSI, SALVATORE A

ART UNIT PAPER NUMBER

3621

DATE MAILED: 01/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/027,035

Applicant(s)

BATTAGLINI ET AL.

Examiner

Salvatore Cangialosi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-24,26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-24,26 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of the first paragraph of 35 U.S.C. 112: The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-15, and 27 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The independent claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

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The specification as originally filed contains no support for "without the use of a code provided by the sender to the recipient". There are new claims without support in the specification. This is the first instance of this invention, which is unrelated and unsupported by the original filing. Cancellation of the new matter is required. The specification has support for the following (page 17, lines 23 -30): "Referring again to Fig. 5, the card account number including that portion described as a PIN can be communicated by the intended recipient to the sender and the transfer made to that account. Alternatively, the transfer could be made to any of the system's primary account numbers to be accessed with the latter portion of the account number described and utilized as a PIN. In the latter application the PIN portion of the account number can be selected by the recipient or the sender and entered in the sending process in response to a suitable addition to the IVR prompts or randomly assigned by the system and communicated to the sender who will communicate same to the recipient." Clearly the intent of the specification is for the sender to provide the recipient with a code.

2. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

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A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

3. Claims 1-6, 8-24, 26, 27 are rejected under 35 U.S.C. 9 103 as being, unpatentable over Jennings et al (5825003) or Ito et al (6039250) in view of Stoutenburg et al (6502747).

Regarding claim 1, Jennings et al (See Figs. 1-4, 6, 8, 9 and 15, Col. 2, lines 38-55, and claims 1-20) or Ito et al (See abstract, Figs. 1-3, Col. 2, lines 5-65, claims 1-13) disclose a method for transferring funds to a remote agent and disbursing funds to a remote site to a recipient substantially as claimed. The differences between the above and the claimed invention is the use of an escrow agent. It is noted that it is believed that the escrow agent and those who receive the disbursements are functionally equivalent to intermediaries shown (networks controlling ATM or money servers). Also although the applicant has no basis for same, a code not provided by or to the recipient is shown by Stoutenburg et al (See claim 1, Col. 10, lines 66-67). It would have been obvious to the person having ordinary

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skill in this art to provide a similar arrangement for Jennings et al or Ito et al because the remote fund transfer are conventional functional equivalents with respect to the claim limitations in electronic funds transfer. Regarding money limitations of claim 2, Jennings et al (See Figs. 1-4, 6, 8, 9 and 15, Col. 2, lines 38-55, and claims 1-20) or Ito et al (See abstract, Figs. 1-3, Col. 2, lines 5-65, claims 1-13) disclose transferring funds to a remote agent and disbursing funds to a remote site to a recipient that is a functional equivalent of the claim limitations. Regarding cash limitations of claim 3, Jennings et al (See Figs. 1-4, 6, 8, 9 and 15, Col. 2, lines 38-55, and claims 1-20) or Ito et al (See abstract, Figs. 1-3, Col. 2, lines 5-65, claims 1-13) disclose transferring funds to a remote agent and disbursing funds to a remote site to a recipient that is a functional equivalent of the claim limitations. Regarding ATM/POS limitations of claim 4, Jennings et al (See Figs. 1-4, 6, 8, 9 and 15, Col. 2, lines 38-55, and claims 1-20) or Ito et al (See abstract, Figs. 1-3, Col. 2, lines 5-65, claims 1-13) disclose transferring funds to a remote agent and disbursing funds to a remote site to a recipient including ATM's, which are the functional equivalents of the claim limitations. Regarding the magnetic card limitations of claim 5, Jennings et al (See Figs. 1-4, 6, 8, 9 and 15, Col. 2, lines 38-55, and claims 1-20) or Ito et al (See abstract, Figs. 1-3, Col. 2, lines 5-65, claims 1-13) disclose transferring funds to a remote agent

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and disbursing funds to a remote site to a recipient including magnetic cards which is a functional equivalent of the claim limitations since all ATM'S are tethered to a communication and power line. Regarding card limitations of claim 6, Jennings et al (See Figs. 1-4, 6, 8, 9 and 15, Col. 2, lines 38-55, and claims 1-20) or Ito et al (See abstract, Figs. 1-3, Col. 2, lines 5-65, claims 1-13) disclose transferring funds to a remote agent and disbursing funds to a remote site to a recipient including magnetic cards that is a functional equivalent of the claim limitations. Regarding the card limitation of claim 8, Jennings et al (See Figs. 1-4, 6, 8, 9 and 15, Col. 2, lines 38-55, and claims 1-20) or Ito et al (See abstract, Figs. 1-3, Col. 2, lines 5-65, claims 1-13) disclose transferring funds to a remote agent and disbursing funds to a remote site to a recipient employing magnetic cards, which are either credit or debit which is a functional equivalent of the claim limitations. Regarding authorization limitations of claim 9, Jennings et al (See Figs. 1-4, 6, 8, 9 and 15, Col. 2, lines 38-55, and claims 1-20) or Ito et al (See abstract, Figs. 1-3, Col. 2, lines 5-65, claims 1-13) disclose transferring funds to a remote agent and disbursing funds to a remote site to a recipient which is a functional equivalent of the claim limitations. Regarding telephone limitations of claim 10, Jennings et al (See Figs. 1-4, 6, 8, 9 and 15, Col. 2, lines 38-55, and claims 1-20) or Ito et al (See abstract, Figs. 1-3, Col. 2, lines 5-65, claims 1-13) disclose

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transferring funds to a remote agent and disbursing funds to a remote site to a recipient which is a functional equivalent of the claim limitations. Regarding the modem limitation of claim 11, Jennings et al (See Figs. 1-4, 6, 8, 9 and 15, Col. 2, lines 38-55, and claims 1-20) or Ito et al (See abstract, Figs. 1-3, Col. 2, lines 5-65, claims 1-13) disclose transferring funds to a remote agent and disbursing funds to a remote site to a recipient which is a functional equivalent of the claim limitations.

Regarding the card limitations of claim 12, Jennings et al (See Figs. 1-4, 6, 8, 9 and 15, Col. 2, lines 38-55, and claims 1-20) or Ito et al (See abstract, Figs. 1-3, Col. 2, lines 5-65, claims 1-13) disclose transferring funds to a remote agent and disbursing funds to a remote site to a recipient including magnetic cards which is a functional equivalent of the claim limitations. Regarding the card limitations of claim 13, Jennings et al (See Figs. 1-4, 6, 8, 9 and 15, Col. 2, lines 38-55, and claims 1-20) or Ito et al (See abstract, Figs. 1-3, Col. 2, lines 5-65, claims 1-13) disclose transferring funds to a remote agent and disbursing funds to a remote site to a recipient employing magnetic cards which are either credit or debit which is a functional equivalent of the claim limitations. Regarding the card limitations of claim 14, Jennings et al (See Figs. 1-4, 6, 8, 9 and 15, Col. 2, lines 38-55, and claims 1-20) or Ito et al (See abstract, Figs. 1-3, Col. 2, lines 5-65, claims 1-13) disclose transferring funds to a remote agent and disbursing

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funds to a remote site to a recipient employing magnetic cards which are either credit or debit which is a functional equivalent of the claim limitations. Regarding the card limitations of claim 15, Jennings et al (See Figs. 1-4, 6, 8, 9 and 15, Col. 2, lines 38-55, and claims 1-20) or Ito et al (See abstract, Figs. 1-3, Col. 2, lines 5-65, claims 1-13) disclose transferring funds to a remote agent and disbursing funds to a remote site to a recipient employing magnetic cards which are either credit or debit which is a functional equivalent of the claim limitations. Regarding claim 16, Jennings et al (See Figs. 1-4, 6, 8, 9 and 15, Col. 2, lines 38-55, and claims 1-20) or Ito et al (See abstract, Figs. 1-3, Col. 2, lines 5-65, claims 1-13) disclose a method for transferring funds to a remote agent and disbursing funds to a remote site to a recipient substantially as claimed. The differences between the above and the claimed invention is the use of an escrow agent. It is noted that it is believed that the escrow agent and those who receive the disbursements are functionally equivalent to intermediaries shown (networks controlling ATM or money servers. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Jennings et al or Ito et al because the remote fund transfer are conventional functional equivalents with respect to the claim limitations in electronic funds transfer. Regarding the card limitations of claim 17, Jennings et al (See Figs. 1-4, 6, 8, 9 and 15, Col. 2, lines 38-55, and claims 1-20)

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or Ito et al (See abstract, Figs. 1-3, Col. 2, lines 5-65, claims 1-13) disclose transferring funds to a remote agent and disbursing funds to a remote site to a recipient employing magnetic cards which are either credit or debit which is a functional equivalent of the claim limitations. Regarding claim 18, Jennings et al (See Figs. 1-4, 6, 8, 9 and 15, Col. 2, lines 38-55, and claims 1-20) or Ito et al (See abstract, Figs. 1-3, Col. 2, lines 5-65, claims 1-13) disclose a means for transferring funds to a remote agent and disbursing funds to a remote site to a recipient substantially as claimed. The differences between the above and the claimed invention is the use of an escrow agent. It is noted that it is believed that the escrow agent and those who receive the disbursements are functionally equivalent to intermediaries shown (networks controlling ATM or money servers). It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Jennings et al or Ito et al because the remote fund transfer are conventional functional equivalents with respect to the claim limitations in electronic funds transfer. Regarding the card limitations of claim 19, Jennings et al (See Figs. 1-4, 6, 8, 9 and 15, Col. 2, lines 38-55, and claims 1-20) or Ito et al (See abstract, Figs. 1-3, Col. 2, lines 5-65, claims 1-13) disclose transferring funds to a remote agent and disbursing funds to a remote site to a recipient employing magnetic cards which are either credit or debit which is a

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functional equivalent of the claim limitations. Regarding ATM limitations of claim 20, Jennings et al (See Figs. 1-4, 6, 8, 9 and 15, Col. 2, lines 38-55, and claims 1-20) or Ito et al (See abstract, Figs. 1-3, Col. 2, lines 5-65, claims 1-13) disclose transferring funds to a remote agent and disbursing funds to a remote site to a recipient including ATM's which are the functional equivalents of the claim limitations. Regarding the magnetic card limitations of claim 21, Jennings et al (See Figs. 1-4, 6, 8, 9 and 15, Col. 2, lines 38-55, and claims 1-20) or Ito et al (See abstract, Figs. 1-3, Col. 2, lines 5-65, claims 1-13) disclose transferring funds to a remote agent and disbursing funds to a remote site to a recipient employing magnetic cards which is a functional equivalent of the claim limitations since all ATM'S are tethered to a communication and power line.

Regarding POS limitations of claim 22, Jennings et al (See Figs. 1-4, 6, 8, 9 and 15, Col. 2, lines 38-55, and claims 1-20) or Ito et al (See abstract, Figs. 1-3, Col. 2, lines 5-65, claims 1-13) disclose transferring funds to a remote agent and disbursing funds to a remote site to a recipient including ATM's which is a functional equivalent of the claim limitations. Regarding the card limitations of claims 23, 24, and 26, Jennings et al (See Figs. 1-4, 6, 8, 9 and 15, Col. 2, lines 38-55, and claims 1-20) or Ito et al (See abstract, Figs. 1-3, Col. 2, lines 5-65, claims 1-13) disclose transferring funds to a remote agent and disbursing funds to a remote site to a recipient employing

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magnetic cards with different magnetic stripes for different uses. The differences between the above and the claimed invention is the use of a plural stripes on the same card. It is noted that it is believed that use of different stripes on a single card is obvious. Otherwise resort can be had to Figs 2 and 8 of Chapin, Jr(5883377) for a showing of same. Regarding claim 27, Jennings et al (See Figs. 1-4, 6, 8, 9 and 15, Col. 2, lines 38-55, and claims 1-20) or Ito et al (See abstract, Figs. 1-3, Col. 2, lines 5-65, claims 1-13) disclose a method for transferring funds to a remote agent and disbursing funds to a remote site to a recipient substantially as claimed. The differences between the above and the claimed invention is the use of an escrow agent. It is noted that it is believed that the escrow agent and those who receive the disbursements are functionally equivalent to intermediaries shown (networks controlling ATM or money servers). Also although the applicant has no basis for same, a code not provided by or to the recipient is shown by Stoutenburg et al (See claim 1, Col. 10, lines 66-67). It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Jennings et al or Ito et al because the remote fund transfer are conventional functional equivalents with respect to the claim limitations in electronic funds transfer.

Examiner's Note: Although Examiner has cited particular columns, line numbers and figures in the references as applied to the claims above for the convenience of the applicant(s), the

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specified citations are merely representative of the teaching of the prior art that are applied to specific limitations within the individual claim and other passages and figures may apply as well. It is respectfully requested that the applicant(s), in preparing the response, fully consider the items of evidence in their entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Applicants arguments dated 10/11/05 are moot due the new grounds of rejections, which were necessitated by the amendment filed 10/11/05.

Any inquiry concerning this communication should be directed to Salvatore Cangialosi at telephone number **(571) 272-6927**. The examiner can normally be reached 6:30 Am to 5:00 PM, Tuesday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached at **(571)272-6712**.

Any response to this action should be mailed to:

Mail Stop Amendment
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Alexandria, VA 22313-1450

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Hand delivered responses should be brought to

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